

**REMARKS**

Claims 1-9 are pending. By this Response, claims 1-3 are amended and claims 4-9 added. Reconsideration and allowance based on the above-amendments and following remarks are respectfully requested.

The Office Action rejects claims 1-3 under 35 U.S.C. §102(e) as being anticipated by Ellis, et al. (US 6,256,292). This rejection is respectfully traversed.

Ellis teaches a system that transports SONET formatted asynchronous transfer mode signals and/or a synchronous transfer mode signal on a line switched ring network having a unidirectional path. The system uses various STS-1's to carry data through the network. The STS-1 may be transferred from one O/E interface (50) to another O/E interface (60) in the network ring. The data flow is controlled by the STS management 70. See column 12, lines 11 through column 13, line 20. In Ellis, the STS-1's are individually transferred through the nodes and the O/E interface. Further, the STS-1's follow the same data flow path through the ring from a source point to a destination point.

In contrast, the embodiments of the present invention provide a plurality of packets grouped together based upon the client to which the packet is allocated and bandwidth capability of the packets. The grouping is assigned to a particular data flow through the network that is specific to the particular grouping characteristics. Therefore, although the same source and destination points may be desired, depending upon the group and characteristics, a different data flow path will be implemented from the source point to the destination point. Thus, data flow is improved through the network.

Applicants respectfully submit that Ellis does not teach, *inter alia*, grouping a plurality of packets together to form a grouping based on each of the plurality of packets allocation to a particular client and the amount of bandwidth allocated to each of the plurality of packets; assigning the grouping to a determined data flow path from a source port to a destination port, the determination made expressly for the grouping; and establishing the determined data flow path for the grouping from the source port to the destination port, as recited in claim 1.

Further, Ellis does not teach, *inter alia*, a grouping device that groups that groups a plurality of packets together to form a grouping based on each of the plurality of packets allocation to a particular client bandwidth allocated to each of the plurality of packets, and assignment device that assigns the grouping to a determined data flow path from a source port to a destination port, the determination made expressly for the grouping; and a path identifier for identifying a data flow path extending from said source port to said destination port and notifying each of said ports of said data flow path, as recited in claim 3.

Therefore, in view of the above, applicants respectfully submit that Ellis fails to teach each and every feature of the independent claims 1 and 3, as required. Dependent claims 2 and 4-9 are distinguishable over the cited reference at least due to their respective dependencies upon independent claims 1 and 3. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

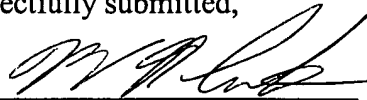
For at least these reasons, it is respectfully submitted that claims 1-9 are distinguishable over the cited art. Further consideration and prompt allowance are earnestly solicited.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By



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